

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RAMONE WILSON,

Petitioner,

vs.

Case No. 11-CV-14675
HON. GEORGE CARAM STEEH

WILLIE SMITH,

Respondent.

/

**ORDER ACCEPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
(Doc. 11), DISMISSING PETITION FOR WRIT OF HABEAS CORPUS,
AND DENYING CERTIFICATE OF APPEALABILITY**

Ramone Wilson, appearing pro se, filed a petition for a writ of habeas corpus on October 25, 2011, pursuant to 28 U.S.C. § 2254, challenging his October 17, 2003 jury conviction in Oakland County Circuit Court for carjacking and possession of a firearm during the commission of a felony. Wilson was sentenced to a term of 15 to 60 years imprisonment on the carjacking conviction to run consecutively with a mandatory two-year term of imprisonment on the felony-firearm conviction. Wilson's petition was referred to Magistrate Judge Paul J. Komives. Wilson raised four claims in his habeas petition: (1) the prosecution presented insufficient evidence of his guilt beyond a reasonable doubt on the felony-firearm charge, (2) he was denied counsel of his choice by the trial court's denial of his request to adjourn sentencing to accommodate his newly retained counsel, (3) ineffective assistance of trial and appellate counsel, and (4) the trial court abused its discretion in failing to hold an evidentiary hearing on his claims. On December 21, 2012, the Magistrate Judge issued a thirty-two page report and recommendation finding no merit

in any of Wilson's claims and recommending that the petition be denied and that a certificate of appealability not be granted.

On January 22, 2013, Wilson filed a one-page objection to the report and recommendation, stating that he reiterated the legal claims raised in his prior habeas application, and directing this court's attention to pages three and four of the report and recommendation wherein Magistrate Judge Komives summarized Wilson's arguments.

The standard of review for considering whether to adopt a report and recommendation is set forth at 28 U.S.C. § 636(b)(1)(C) which provides that a "judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made." See also Fed. R. Civ. P. 72(b). "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). The court need not address "[i]ssues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation" as they "are deemed waived." Maldonado v. Wilson, 416 F.3d 470, 478 (6th Cir. 2005) (citing United States v. Layne, 192 F.3d 556, 566 (6th Cir. 1999) (quoting McPherson v. Kelsey, 125 F.3rd 989, 995-96 (6th Cir. 1997))).

The court has reviewed the file, record and magistrate judge's report and recommendation. This court agrees with Magistrate Judge Komives' findings and well reasoned conclusions of law that the claims Wilson raised in his initial habeas petition lack merit. Accordingly, the court finds that Wilson's objections, which merely reiterate earlier arguments by way of a one-sentence reference to prior filings, are equally unpersuasive.

IT IS ORDERED that Magistrate Judge Paul Komives' December 21, 2012 report and recommendation (Doc. 11) is hereby ACCEPTED as the findings and conclusions of

this court, Wilson's petition for a writ of habeas corpus is hereby DISMISSED, and a certificate of appealability is hereby DENIED.

SO ORDERED.

Dated: May 1, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 2, 2013, by electronic and/or ordinary mail and also on Ramone Wilson #351485, Carson City Correctional Facility, 10274 Boyer Road, Carson City, MI 48811-9746.

s/Marcia Beauchemin
Deputy Clerk